

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAFARI BARNETT,

10 CIV 3899

Plaintiff(s).

Hon. Ronald L. Ellis

-against-

DECLARATION

MOUNT VERNON POLICE DEPT.,
DETECTIVE BAIA, DETECTIVE BONCARDO
Defendant(s).

HINA SHERWANI, an Assistant in the Office of the Corporation Counsel, Loretta Hottinger,

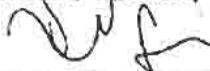
I make this Declaration solely to annex Exhibits in Support of the Motion To Dismiss in the above captioned matter.

- A. Police Report and Investigation incorporated by Plaintiff in his Amended Complaint
- B. Plaintiff's Amended Complaint

Dated: Mount Vernon, New York
April 10, 2011

Yours, etc.

Loretta J. Hottinger
Corporation Counsel
Attorney for Defendant
The City of Mount Vernon
Office and PO Address
One Roosevelt Square
Mount Vernon, New York 10550



By: Hina Sherwani (HS 8283)

FDNYD				NEW YORK STATE POLICE INCIDENT REPORT				Serial # (NYC)		Incident # 09-36539						
DATES Event Date	Month	Day	Year	Time (24 hrs)	Address of Occurrence				APT #	Resident Name	Age	Complaint #				
	08	23	09	0529					CTV E							
VICTIM/PARTY (P1)	How can we safely contact you? (e.g. Name, Phone)								<input type="checkbox"/> Officer-Initiated <input type="checkbox"/> Radio Run <input type="checkbox"/> Walk-In							
	Name (Last, First, M.I.) (include aliases)								Phone	DOB	Month	Day	Year	Age	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Street & City								APT #	Zip	(Non-English language: <input type="checkbox"/> Spanish <input type="checkbox"/> Chinese <input type="checkbox"/> Other: _____)						
Injured? <input type="checkbox"/> No <input type="checkbox"/> Yes				Removed to Hospital? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, what hospital?) _____				<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Other: _____	None or e.g. special needs, disability, request:							
Describe _____								Phone	DOB	Month	Day	Year	Age	<input type="checkbox"/> Male <input type="checkbox"/> Female		
Name (Last, First, M.I.) (include aliases)								APT #	Zip	(Non-English language: <input type="checkbox"/> Spanish <input type="checkbox"/> Chinese <input type="checkbox"/> Other: _____)						
Suspect & Guy								Phone	DOB	Month	Day	Year	Age	<input type="checkbox"/> Male <input type="checkbox"/> Female		
Injured? <input type="checkbox"/> No <input type="checkbox"/> Yes				Removed to Hospital? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, what hospital?) _____				<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Other: _____	Prior DV History? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Describe: _____								<input type="checkbox"/> Married <input type="checkbox"/> Formerly Married <input type="checkbox"/> Intimate Partner/Dating <input type="checkbox"/> Former Intimate/Dating <input type="checkbox"/> Child of victim/party 1 <input type="checkbox"/> Parent of victim/party 1 <input type="checkbox"/> Relative <input type="checkbox"/> Other: _____	Prior DV police report? <input type="checkbox"/> Yes <input type="checkbox"/> No							
SUSPECT/P2 present?	LIVING SITUATION				RELATIONSHIP: (SUSPECT / P2 to VICTIM / P1)				Victim fearful? <input type="checkbox"/> Yes <input type="checkbox"/> No							
	Do parties currently live together? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, have they lived together in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No								Access to weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Do the parties have a child-in-common? <input type="checkbox"/> Yes <input type="checkbox"/> No				<input type="checkbox"/> Relative: _____				Suspect: Drug/Ale/Honey? <input type="checkbox"/> Yes <input type="checkbox"/> No								
								Suspect: Hx inside threat? <input type="checkbox"/> Yes <input type="checkbox"/> No								
								Suspect: Probation/Parole? <input type="checkbox"/> Yes <input type="checkbox"/> No								
ASSOCIATED PERSONS	1. Name (Street / APT# / City, if needed)								Phone	DOB	Month	Day	Year	Relationship to victim (P1)		
	2.															
	3.															
SUSPECT ACTIONS	Check all that apply:								<input type="checkbox"/> Threats: <i>(specify)</i> <input type="checkbox"/> Injure/Kill Persons <input type="checkbox"/> Injure/Kill Self <input type="checkbox"/> Injure/Kill Pet/Animal <input type="checkbox"/> Take Child <input type="checkbox"/> Destroy/Take Property <input type="checkbox"/> Other: _____				<input type="checkbox"/> Threat with weapon <input type="checkbox"/> Weapons used: <i>(specify)</i> <input type="checkbox"/> Blunt Object <input type="checkbox"/> Gun <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Sharp Instrument <input type="checkbox"/> Other: _____			
	<input type="checkbox"/> Bitng <input type="checkbox"/> Destroyed Property <input type="checkbox"/> Homicide <input type="checkbox"/> Forced Entry <input type="checkbox"/> Forceable Restraint <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Punching								<input type="checkbox"/> Impaired Alcohol/Drugs <input type="checkbox"/> Injury to Child <input type="checkbox"/> Injury to Other Persons <input type="checkbox"/> Injury to Pet Animal <input type="checkbox"/> Interference with Phone <input type="checkbox"/> Intimidation/Coercion <input type="checkbox"/> Kicking <input type="checkbox"/> Slapping				<input type="checkbox"/> Pushing <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Shooting <input type="checkbox"/> Stabbing <input type="checkbox"/> Strangulation/Choking <input type="checkbox"/> Threw Items <input type="checkbox"/> Unwated Contact <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Violated Visitation/Custody Conditions <input type="checkbox"/> OTHER Suspect Actions			
ARREST & OFFENSES	Arrest Made?	Arrest #	Reasons arrest not made on-scene: <input type="checkbox"/> No Offense Committed <input type="checkbox"/> No Probable Cause <input type="checkbox"/> Suspect Off-Scene <input type="checkbox"/> Warrant/Criminal Summons to be requested <input type="checkbox"/> Violation level not in police presence (in citizen's arrest) <input type="checkbox"/> Other: _____													
	<input type="checkbox"/> Yes <input type="checkbox"/> No		Offenses	Law (e.g. PC)	Section (Sub)	Charge Filed	Offenses Involved, check all that apply				<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Violation <input type="checkbox"/> Other: <i>(specify)</i>					
								<input type="checkbox"/>	<input type="checkbox"/> Registry Checked? <input type="checkbox"/> Yes <input type="checkbox"/> No	OP Court Name: _____						
								<input type="checkbox"/>	<input type="checkbox"/> Order of Protection? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Family <input type="checkbox"/> Criminal <input type="checkbox"/> Supreme						
							<input type="checkbox"/>	<input type="checkbox"/> Stay Away Order? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Out of State <input type="checkbox"/> Tribal							
							<input type="checkbox"/>	<input type="checkbox"/> Order Violated? <input type="checkbox"/> Yes <input type="checkbox"/> No	Violation Date: _____							
							<input type="checkbox"/>	<input type="checkbox"/> Any PRIOR orders? <input type="checkbox"/> Yes <input type="checkbox"/> No	Month: _____ Day: _____ Year: _____							
STOP! → * * * * * COMPLETE STATEMENT ON PAGE 2 NEXT * * * * *																
Photos Taken?		IF YES, photos taken of:		<input type="checkbox"/> Victim Injuries <input type="checkbox"/> Suspect Injuries		Other evidence collected?		<input type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, describe: _____						
Results of investigation and basis of action taken (Were excited utterances, spontaneous admissions or spontaneous statements made? <input type="checkbox"/> Yes <input type="checkbox"/> No (Complete 710.30 or other form when applicable. <i>PUNCHED FEW TIMES ON THE FACE AND THEN (P/2) PROCEEDED TO HHR (P/1) ON HER FACE. TWO DIGITAL PHOTOS WERE TAKEN ON (P/3) INJURIES. (P/3) WAS TAKEN TO HHR FOR MEDICAL EVALUATION BY EMS. SGT MARION NOMINED AND RESPONDED TO ER. DETECTIVE BELL-MACK NOTIFIED.</i>)																
OTHER AGENCIES involved with the parties or incident (e.g. advocates, hospital, probation)																
Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, officer must contact the NYS CHILD ABUSE HOTLINE REGISTRY # 1-800-635-1522																
<input type="checkbox"/> Guns in House <input type="checkbox"/> Guns Seized <input type="checkbox"/> Has Permit <input type="checkbox"/> Permit Seized Issuing County: _____ Permit #/ST: _____ Name on Permit(s): _____																
CONTACTS INITIATED BY POLICE: <input type="checkbox"/> Adult Protective Services <input type="checkbox"/> Child Protective Services (or ACS) <input type="checkbox"/> Domestic Violence Services <input type="checkbox"/> Firearms Licensing <input type="checkbox"/> Mental Health <input type="checkbox"/> Parole <input type="checkbox"/> Probation <input type="checkbox"/> Rape Crisis <input type="checkbox"/> Other Agency: _____ Date: _____ Who was notified? _____ Notified by (initial): _____																
Officer's Signature & Rank: <i>George Horne</i> (PRINT and SIGN)				ID	Month	Day	Year	1. Was DMR given to the victim at the scene? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Was Victim Rights Notice given to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No If NO give reason: <i>00000</i>				Page: <i>2</i>				
Supervisor's Signature & Rank: <i>SGT Bell</i> (PRINT and SIGN)				2013	08	23	09					Page: <i>3</i>				
POLICE COPY (please make a copy for your DA's office if appropriate) NYS DOMESTIC VIOLENCE HOTLINE 1-800-942-6999 SECTION 1 AND 22-A 22-B 22-C 22-D 22-E 22-F 22-G 22-H 22-I 22-J 22-K 22-L 22-M 22-N 22-O 22-P 22-Q 22-R 22-S 22-T 22-U 22-V 22-W 22-X 22-Y 22-Z																

Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION

Sussex Name (Last, First, M.I.)

BARNETT, + APART

1. Dwight Diane (victim/deponent name), state that on 05/23/07, (date) at 4:30 pm
Yo, _____ (nombre de victim/a/deponente), declaro que en tal fecha 1/1/07 en _____

(location of incident), in the County/City/Town/Village of Mount Vernon, of the state of New York, the following did occur:
(donde el incidente ocurrió), el condado/ciudad/aldea/pueblo de _____, del estado de Nueva York, lo siguiente ocurrió:

A close Giver Niki's a ride home
whether I drive this wrong down
on me punishing me in the face
and eyes in this left the same
big face took him in a bus to
the next town in China, I
looked

(Use additional pages as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.
Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la sección 210.45 de la ley penal.

Victim/Deponent Signature
Firma de víctima/deponente

Interpreter

Witness or Officer

卷之三

Date
Fecha

Date

Date

Note:
Whether or not this form is signed, this DIR form will be filed with law enforcement.

Nota:
*Si esta forma esta firmada, o
no, esta DIR forma sera regis-
trada con la policia.*

0000023

MUPD		Date of Occurrence		APT #	Address area	Address (NYC) Complaint #	
Month	Day	Year	Time (AM or PM)		CDV		
08 23	09 0529	41 ROCHELLE TERR.	2PM				
08 24	09 1030	How can we safely contact you? (e.g. Name, Phone)			Officer-Initiated	Radio Run	Walk-In
Name, Last, First, M.I. (include alias)				Phone	Date	Time	Age
WRIGHT, NORINA				APT #	DOB	Month	Year
				2B			28
				0550	If non-English language	0 Male	
					○ Spanish	○ Chinese	○ Other
Inj... <input type="radio"/> No <input checked="" type="radio"/> Yes		Removed to Hospital? <input type="radio"/> No <input checked="" type="radio"/> Yes If yes what hospital?		White <input type="radio"/>	Black <input checked="" type="radio"/>	Asian <input type="radio"/>	Hispanic <input type="radio"/>
Describe:				Native American <input type="radio"/>	Non-Hispanic <input type="radio"/>	Unknown <input type="radio"/>	
Same last, first, M.I. (include alias)		Name		APT #	Phone	Date	Age
DICKENS, JERMAINE				2B			95
					If non-English language	0 Female	
Inj... <input type="radio"/> No <input checked="" type="radio"/> Yes		Removed to Hospital? <input type="radio"/> No <input checked="" type="radio"/> Yes If yes what hospital?		White <input type="radio"/>	Black <input checked="" type="radio"/>	Asian <input type="radio"/>	Hispanic <input type="radio"/>
Describe:				Native American <input type="radio"/>	Non-Hispanic <input type="radio"/>	Unknown <input type="radio"/>	
SUSPECT/P2 present? <input type="radio"/> Yes <input checked="" type="radio"/> No		LIVING SITUATION		RELATIONSHIP: (SUSPECT / P2 to VICTIM / PI)			
		Do parties currently live together? <input type="radio"/> Yes <input checked="" type="radio"/> No Married		<input type="radio"/> Formerly Married			
		If NO, have they lived together in the past? <input type="radio"/> Yes <input checked="" type="radio"/> No Inmate Partner/Dating		<input type="radio"/> Former Intimate/Dating			
				<input type="radio"/> Child of victim/party I	<input type="radio"/> Parent of victim/party I		
		Do the parties have a child-in-common? <input type="radio"/> Yes <input checked="" type="radio"/> No Relative		<input type="radio"/> Other			
1. Name (Street & APT# or City if needed)		Phone		DOB	Month	Day	Year
2.							
3.							
SUSPECT ACTIONS		Check all that apply:					
<input type="radio"/> Biting <input type="radio"/> Destroyed Property <input type="radio"/> Forced Entry <input type="radio"/> Forcible Restraint <input type="radio"/> Hair Pulling <input type="radio"/> Homemaking		<input type="radio"/> Impaired Alcohol/Drugs <input type="radio"/> Pushing <input type="radio"/> Threw items <input type="radio"/> Threats: <input type="radio"/> property <input type="radio"/> Threat with weapon <input type="radio"/> Injury to Child <input type="radio"/> Sexual Assault <input type="radio"/> Unwanted Contact <input type="radio"/> Injure/Kill Persons <input type="radio"/> Injury to Other Persons <input type="radio"/> Shooting <input type="radio"/> Verbal Abuse <input type="radio"/> Injure/Kill Self <input type="radio"/> Injury to Pet/Animal <input type="radio"/> Slapping <input type="radio"/> Violated Visitation <input type="radio"/> Injure/Kill Pet/Animal <input type="radio"/> Interference with Phone <input type="radio"/> Slamming Body <input type="radio"/> Custody Conditions <input type="radio"/> Take Child <input type="radio"/> Intimidation/Cuection <input type="radio"/> Stabbing <input type="radio"/> OTHER Suspect Actions <input type="radio"/> Destroy/Take Property <input type="radio"/> Kicking <input type="radio"/> Strangulation "Choking" <input type="radio"/> Suicide or Attempt <input type="radio"/> Other <input type="radio"/> Punching					
Arrest Made? <input type="radio"/> Yes <input checked="" type="radio"/> No		Reasons arrest not made on-scene: <input type="radio"/> No Offense Committed <input type="radio"/> No Probable Cause <input checked="" type="radio"/> Suspect Off Scene <input type="radio"/> Warrant/Criminal Summons to be requested <input type="radio"/> Violation level not in police presence (no citizen's arrest) <input type="radio"/> Other					
Offenses		Law Reg. #	Section (Sub)	Charge Filed	Offenses Involved Check all that apply		
Assault		PL	120-02	<input type="radio"/>	<input type="radio"/> Felony	<input type="radio"/> Misdemeanor	<input type="radio"/> Violation
				<input type="radio"/>	<input type="radio"/> Other (specify)		
				<input type="radio"/>	OP Court Name		
				<input type="radio"/>	Family <input type="radio"/> Criminal <input type="radio"/> Supreme		
				<input type="radio"/>	Out of State <input type="radio"/> Tribal		
				<input type="radio"/>	Any PRIOR orders? <input type="radio"/> Yes <input checked="" type="radio"/> No		
STOP! → * * * * * COMPLETE STATEMENT ON PAGE 2 NEXT * * * * *							
Photos Taken? <input type="radio"/> Yes <input checked="" type="radio"/> No		IF YES, photos taken of: <input type="radio"/> Victim Injuries <input type="radio"/> Suspect Injuries <input type="radio"/> Scene <input type="radio"/> Damaged Property <input type="radio"/> Other		Other evidence collected? <input type="radio"/> Yes <input checked="" type="radio"/> No IF YES, describe			
Results of investigation and basis of action taken. Were excited utterances spontaneous admissions or spontaneous statements made? <input type="radio"/> Yes <input checked="" type="radio"/> No (Complete 710.30 or other form when applicable) <u>ON 8/29/09 AT APPROX 1030 hrs (P1) WRIGHT CAME TO MVTQ TO GIVE ANOTHER STATEMENT ABOUT AN INCIDENT THAT OCCURRED AT 41 ROCHELLE TERR ON 8/23/09. AT THAT TIME OF THE INCIDENT SHE PROPOSES TO UNDERSIGNED THE NAME OF THE SUSPECT AS (P2) BARNETT, RAFFI. (P1) STATED THAT SHE WAS INTOXICATED AND NERVOUS SHE GAVE THE WRONG NAME, AND NOW SHE STATED THAT THE SUSPECT IS (P2) DICKENS, JERMAINE. UNDERSIGNED WROTE TO DR. BALTIMORE WHO STATED PER BELL-MACK WILL HANDLE THIS CASE.</u>							
OTHER AGENCIES involved with the parties or incident (e.g. advocacy, hospital, probation)							
Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="radio"/> Yes <input checked="" type="radio"/> No If YES, file with <u>NYS CHILD ABUSE HOTLINE REGISTRY # 1-800-635-1522</u>							
<input type="radio"/> Gun in House <input type="radio"/> Gun Seized <input type="radio"/> Has Permit <input type="radio"/> Permit Seized Issuing County <input type="radio"/> Permit Plat _____ Name on Permit(s)							
CONTACTS INITIATED BY POLICE: <input type="radio"/> Adult Protective Services <input type="radio"/> Child Protective Services for ACS <input type="radio"/> Domestic Violence Services <input type="radio"/> Firearms Licensing <input type="radio"/> Mental Health <input type="radio"/> Parole <input type="radio"/> Probation <input type="radio"/> Rape Crisis <input type="radio"/> Other Agency: _____ Date: _____ Who was notified? _____ Notified by (initial): _____							
Officer's Signature (& Rank)		(PRINT and SIGN)	ID	Month	Day	Year	1. Was DTR given to the victim at the scene? <input type="radio"/> Yes <input checked="" type="radio"/> No
Supervisor's Signature (& Rank)		(PRINT and SIGN)	206	08	29	09	2. Was Victim Rights Notice given to victim? <input type="radio"/> Yes <input checked="" type="radio"/> No If NO, give reason: <u>Det. Bessie Maital</u>

0590360

04-38539

Page 2 of the NYS Domestic Incident Report:
STATEMENT OF ALLEGATIONS / SUPPORTING DEPOSITION

Suspect Name (Last, First, M.I.)

I, Nordia Inejim (victim/deponent name), state that on 08/24/09 (date) at _____
 Yo. _____ (nombre de victim/a/deponente), declaro que en tal fecha _____/_____1/_____1 en _____

(location of incident), in the County/City/Town/Village of Mt. Vernon, of the state of New York, the following did occur:
 (donde el incidente ocurrio), el condado/ciudad/aldea/pueblo de _____, del estado de Nueva York, lo siguiente ocurrio:

On 8-23-09 I was attack by my ex-boyfriend
and I thought it was Tafari Barnett. I was nervous
and drunk and he wasn't Tafari Barnett it
was Jermaine Dickens who lived at 1350 East
Sunhill Road. I made a mistake with tafari
Barnett and Jermaine Dickens and I'm very
Sorry. (Dob nis 41 yrs

(Use additional pages as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.
 Declaraciones falsas hechas aqui son castigables como una clase de delito menor, de acuerdo con la sección 210.45 de la ley penal.

Nordia Inejim
 Victim/Deponent Signature
 Firma de victim/a/deponente

8-24-09Date
Fecha

Note:
 Whether or not this form is signed, this DIR form will be filed with law enforcement.

Interpreter

Date

Nota:
 Si esta forma esta firmada, o no, esta DIR forma sera registrada con la policia.

R.D. Mott 9066
 Witness or Officer

Date

8/27/09
 Date

05000.5

Page
3

10. Inquiries (check all that apply)				11. NYSPIN Message No	12.	13-4 RJ 11-11-94	20
<input type="checkbox"/> DMV	<input type="checkbox"/> Want/Warrant	<input type="checkbox"/> Bailiff	<input type="checkbox"/> Other				Page of
<input type="checkbox"/> Crim. History	<input type="checkbox"/> Stolen Property						Pages
13. Reporting Officer Signature (Include Rank) <i>J.O.</i>				14. ID No <i>2066</i>	15. Supervisor's Signature (Include Rank) <i>Delegated SP/187</i>	16. DOB No <i>10/10/187</i>	
17. Case Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed (if Closed, check box below) <input type="checkbox"/> Unhandled <input type="checkbox"/> Vic. Refused to Coop <input type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised				18. Status Date Mo., Day, Yr.	19. Notified TO	B WHR/DOVER	

CITY OF MOUNT VERNON POLICE DEPARTMENT
DETECTIVE DIVISION

INCIDENT #: 09-36534 DETECTIVE DIVISION CASE #: 1318-33

Criminal Contempt / Robbery-2nd CASE STATUS: ACTIVE

DATE REPORTED: 08-24-09 TIME REPORTED: 0529 HRS.

II. SCENE - GENERAL

A. 1. RESIDENTIAL :

2. Address:
 - a. 41 Rochelle Tr. Mount Vernon, New York
3. Specific Area
 - a. Sidewalk / IFO above location.
 - b. Early morning.
 - c. Weather conditions: Clear.

III. SCENE - CRIME

A. Physical Evidence - General

1. Description of evidence
 - a. One photo array of the suspect Tafari Barnett / and photo's of the victim's injuries / vouchered and secured by the undersigned detective @ H.Q. approx 2300Hrs.

IV. PEOPLE

A. Victim

1. Wright, Nordia / F / B / Age: 28 YOA / DOP
 - a. Address:
 - b. Usual Occupation: Night Manager B.J's Wholesale
 - c. ACCOUNT: Refer to hand written statements.
2. Douse, Dwight / M / B / Age: 19 YOA / DOB: ~
 - a. Address: ~, N.Y. 10550
 - b. Usual Occupation: ~ers
 - c. ACCOUNT: Refer to attached statement

B. All Persons on Scene

1. Law Enforcement Personnel
 - a. Sgt.Marren / Pat. Div / NRR.
 - b. PO. Monge # 2066 / Pat.Div / 09-36534.
 - c. Det.Bell-Mack / DD / NRR.
 - d. Det.Baia#134 / DD / DD# 1321-33

C. Suspects/Defendants

1. Barnett, Tafari / M / B / 30 YOA / DOB:
 - a. Address: ~ Mount Vernon, N.Y. 10550
 - b. Usual occupation: N/A.
 - d. description: M / B / 5'08" / 170lbs /

D&S ftm

CC: DVSAC



V. ADDITIONAL INFORMATION:

On 08-26-2009 the undersigned detective was notified of this investigation. The undersigned detective spoke to victim#2 (Dwight) and advised him respond into H.Q. to view a photo array, and obtain a statement. Dwight advised that he would respond into H.Q. at 1500Hrs. on this date.

@ 1210Hrs. the undersigned Detective responded to Victim#1's (Nordia) job # located in . in an attempt to obtain a statement. (Nordia is the night Manager at said location, and works 11pm-7am). The undersigned then responded to Nordia's home at which yielded negative results. The undersigned will follow up with both parties.

On 08-27-09 @1840Hrs. Detective Boncardo#133, and the undersigned detective responded to speak to the victim in this incident. The undersigned detective asked Nordia to confirm that Tafari Barnett was her child's father, and was in fact the person responsible for this incident. Nordia advised that it was not Tafari, and stated she responded into H.Q. (08-24-09) and completed a supplement report stating that it was another ex-boyfriend by the name of

(06-14-64). The undersigned asked Nordia how she wanted to proceed with this matter, she advised that she did not want to pursue any further police action. The undersigned asked Nordia, how Dwight (the second victim) was going to proceed with this matter, she advised that Dwight did not want to pursue either.

*(It should be noted that the undersigned detective did not have the written statements that were attached to the original Domestic Incident Report).

@ 2130Hrs. the undersigned detective received a phone call from Dwight, who stated that he could come into H.Q. I stated to him that I spoke to Nordia who advised the undersigned that he did not want to cooperate. He stated that was not the case at all he received stitches for his injuries, and wanted to pursue this matter. The undersigned advised him to respond into H.Q.

@ 2145Hrs. the undersigned asked if he knew who was responsible for this, he stated that he does not personally know the guy , however he believed his name was Tafari, and he was Nordia's child's father. The undersigned showed Dwight a photo array, where he identified Tafari Barnett (Mount Vernon Jacket # 67920A). A statement was obtained from Dwight.

The undersigned detective believes Nordia is not being truthful to this matter due to the fact of who Dwight identified, is in fact the original person named as a suspect in this incident (Tafari). Additionally a criminal history of Tafari revealed that he is actively on parole, and that there is a valid Order of protection on file between Nordia, and Tafari.

The undersigned will confer with the District Attorney's office in regards to filing charges against Nordia for falsely reporting. The undersigned will contact New York State Parole in an attempt to determine his next scheduled parole visit.

Detective

00000000



CASE ACTIVE PENDING ARREST.

Det. Baia#134
SUBMITTED BY: Det. Baia#134.

DATE SUBMITTED: 08-27-09.

Certified By: Det. Sgt. James C. D. Baia

CCJ0010

MOUNT VERNON POLICE DEPARTMENT
DETECTIVE DIVISION
MV-61B SUPPLEMENTARY REPORT

DATE OF INCIDENT: 08-23-09

LOCATION OF INCIDENT: 41 Rochelle Terr. Mount Vernon, N.Y.

INCIDENT #: 09-36534

DETECTIVE DIVISION 61B #: 1314-33

TYPE OF OFFENSE: Robbery 2nd / PL 160.10(2) A

COMPLAINANT/VICTIM: Wright, Nordia DOB:11-22-80 / Douse, Dwight 01-19-76

ADDRESS: 41 Rochelle Terr. Mount Vernon, N.Y.

TELEPHONE: (914) 752-8208

NARRATIVE:

On 08-28-09 @ 2055Hrs Det.Soreca#154, Notarfrancesco#126, and the undersigned responded to 8 E 4th St. apt A14 and spoke to Claudette Dunn (Tafari's mother). Ms. Dunn advised that Tafari was not home, and would have him contact the undersigned detective.

@ 2115Hrs. the undersigned received a phone call from the front desk that the Deft. (Tafari Barnett) was at the front desk. At this time Det.Soreca #154, and the undersigned detective responded to the front desk and escorted Tafari to the Detective Bureau. The undersigned detective asked Tafari what his hand preference was, and he advised that he was right handed. At this time Tafari was advised of his Miranda warnings. Tafari understood his rights and waived his right to council. The undersigned asked where he was on the date of this incident 08-23-09 @ approx. 0529Hrs. Tafari advised that he was home, because he now has a curfew and had to be home by 9PM. And could leave his home by 7AM. The undersigned detective asked Tafari when the last time he spoke to Nordia Wright, he stated "she was the reason why he just came out from doing three years , I ain't messing with her she has an order of protection against me". (*It should be noted tha while Tafari was serving his most recent prison sentence he was convicted of Agg.Harrasment 2nd by communicating with Nordia Wright by letter refer to incident #08-36167).

The undersigned explained to him that he was identified in this case. Tafari stated that he couldn't believe this because he is on Parole. At this time the undersigned had Tafari place both of his hands on the table. Upon doing so Det.Soreca observed a healing cut on his left middle finger knuckle. Tafari could not explain where he received the cut from, he stated simply "don't know". The undersigned photographed Tafari's hands, and concluded our interview. Tafari continued denying involvement in this matter.

2145Hrs. Tafari was placed under arrest and escorted to the cell block area. While processing Tafari the undersigned detective was taking a mugshot photo of Tafari. Upon completion of taking photo's Det.Soreca had Tafari sign his property receipt. Det.Soreca handed Tafari the pen and noticed that he took the pen, and signed the receipt with his left hand. Tafari again signed with his left hand during the printing process. The photo's of Tafari's hand and his Miranda form were submitted as evidence, by the undersigned detective. Tafari was booked on Robbery-2nd by Sgt.Dellamura.

Det Sjt. 47

080211:

CONCLUSION:

CASE CLOSED BY ARREST..

Det. Balat#134
SUBMITTED BY: Det.Balat#134.

DATE SUBMITTED: 08-28-09.

INCIDENT#: 09-36534

CERTIFIED BY: *Det. Sgt. Joseph C. M.*

0300012

POLICE DEPARTMENT) TIME STARTED: 2150Hrs.
CITY OF MT. VERNON) TIME FINISHED: 2250Hrs.
COUNTY OF WESTCHESTER) SS. DATE: 08-27-09
STATE OF NEW YORK) INCIDENT: 09-36534

CASE #: 1318-

NOTICE: The making of false statements in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

I, the undersigned Dwight Douse do reside and I am 33 years of age being born on 11-19-76. I am presently employed at Self employed the name of . I have a home phone number of (.d my work phone is: I do hereby make the statement to Detectives Baia #134, and Detective Boncardo#133 knowing them to be members of the Mount Vernon Police Department.

Q. Dwight the Mount Vernon Police Dept. is currently investigating an Robbery incident that Occurred in the early morning hours of 08-23-09 @ 0529Hrs in front of 41 Rochelle Terrace Mount Vernon N.Y. That of which you were a victim of in your own words can you describe to me exactly what happened?

A. Me and my brother, Omar Douse went to Dazzles bar in Mount Vernon, that's when we met up with Nordia Wright, and her sister Dahlia. At the end of the night they asked for a ride home so I took my brother to the Bronx. Then I went to 41 Rochelle Terrace to drop off Nordia, and her sister Dahlia. Dahlia went inside the house, while Nordia , and I we sitting in my car in front of Nordia's house. That's when this guy opened my door I looked at him, and he just started punching me in the face hard. in both of my eyes. I didn't know what was going on. Then he pulled me out of the car and took my "Gucci" belt, he went into my pockets and took my money from my left front pocket about \$60-\$70, and he took my "Gucci" slippers from my feet, he took my wedding band from my hand, I had a silver "Guess" watch with a black band, and another ring I had in my ear. I was trying to push him off but he kept hitting me. I think he used my windshield rear view mirror, because the next day I noticed the mirror was off and on the front seat.

Q. Dwight can you describe the rings he took?

A. My, wedding band was white gold, and it had diamonds in it. The other ring in the car was a silver ring with blue and yellow CZ in the shape of a rectangle it was not real diamonds.

Q. Dwight what did he do after he finished taking your things?

A. I don't know what, or where he went.

Q. Just before taking this statement Dwight I showed you a photo array did you recognize anyone?

A. Yes number 1, that's the guy that kept punching me.

000013

37

Q. Dwight this person is known to the Mount Vernon Police Dept. as Tafari Barnett do you know who this party is?

A. I don't know him , but I heard that it's her babies father.

Q. In Nordia's original Police Report she lists Tafari Barnett as the suspect, do you recall her telling Officer Monge this?

A. Tell you the truth, after I took those hits I wasn't really paying attention to Nordia.

Q. Dwight did you receive any medical treatment for your injuries?

A. Yes, I got about 15 stitches in total around my right eye, my left eye was a little cut , but it was swollen. The Dr. gave me a prescription for antibiotics, three prescriptions for my eyes (eyedrops).

Q. Dwight you received stitches was there any blood in your car?

A. Yes, but I had the car cleaned because of all the blood, that's when I noticed the rearview mirror was broken.

Q. Dwight I have to ask you, did you tell this to the officer that took the original report?

A. I don't really remember I was in a lot of pain that night.

Q. Dwight what kind of car were you in when this happened?

A. It was a 2008 Green Hyndai Senata.

Q. Dwight do you have anything further to add to this statement?

A. No,I just want to go home because my head hurts.

Dwight Douse:

08-27-09.

Det.Baja#134:

08-27-09.

Det. Boncucco#133:

08-27-09.

0000014

Police Photo Lineup

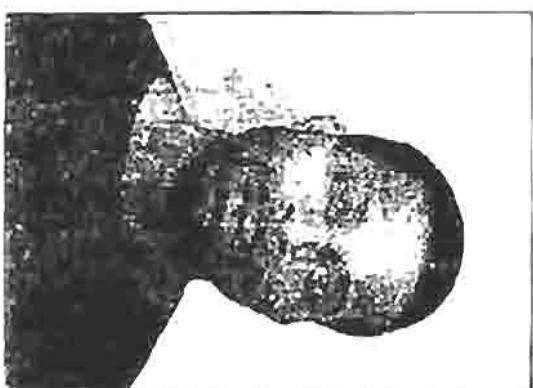
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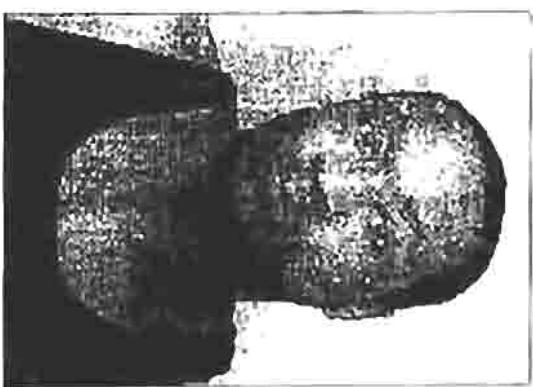
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I have identified picture # 1 as the suspect on 5-15-05 (Date)

Signature: *[Signature]*

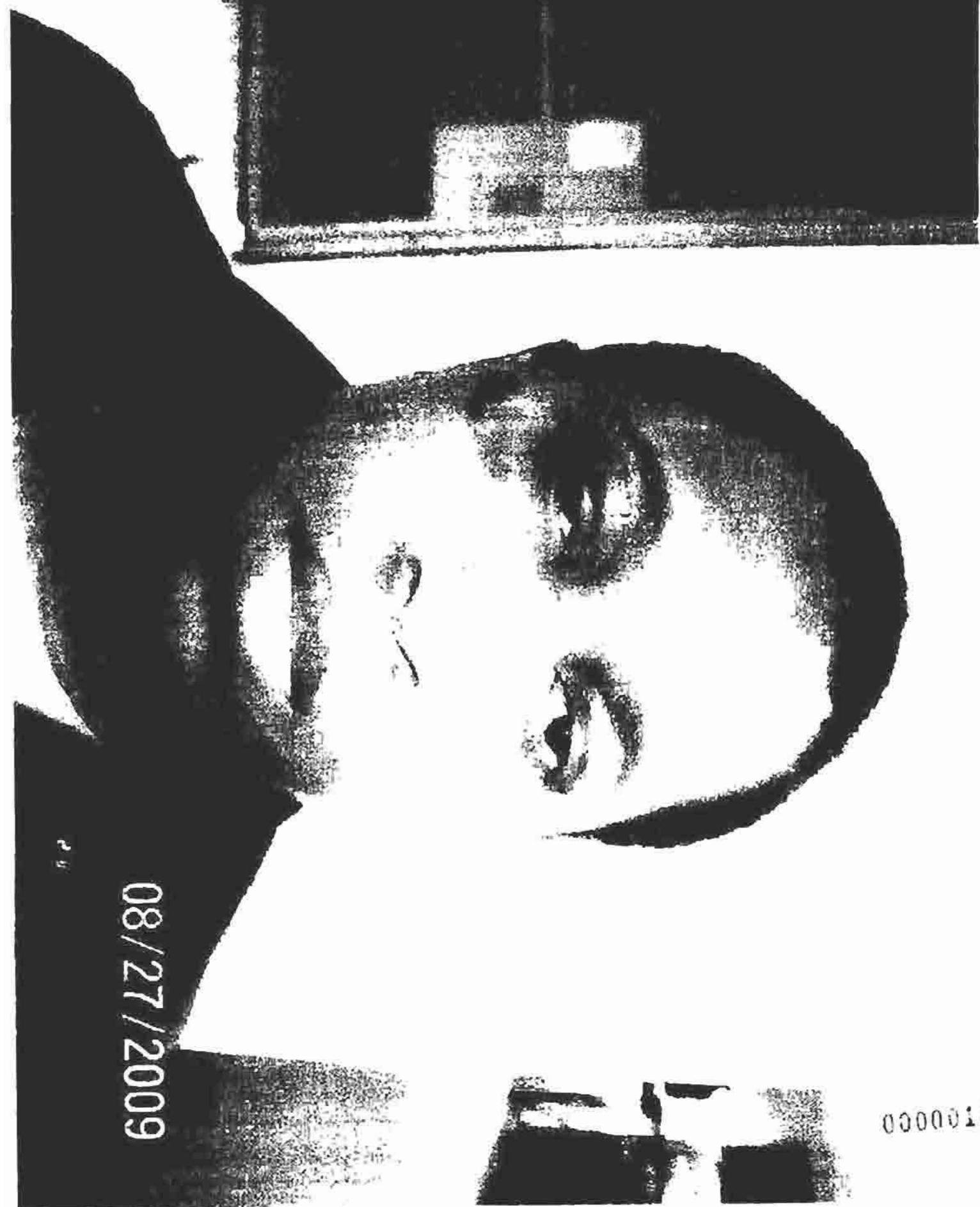
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08/27/2009

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08/27/2009

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08/27/2009

8100000

CODE # M-140	MT. VERNON POLICE DEPARTMENT MIRANDA WARNING	STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE	DEALT WITH BY <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> WARRANT OBTAINED	APPROVED TO BE AS <input type="checkbox"/> RETURNED FOR OR <input type="checkbox"/> UNINTERVIEWED	REFERRED TO OTHER DIVISION <input type="checkbox"/> OTHER
SPECIAL UNIT	<input type="checkbox"/> FUGITIVE CH. <input checked="" type="checkbox"/> On-Duty <input type="checkbox"/> OFF DUTY	<input type="checkbox"/> FUGITIVE CH.	INCIDENT NUMBER 09-36534	TYPE OF OFFENSE INCIDENT Robbery - 2 ^d	
DATE OF INCIDENT OCCURRED	08-23-09	DATE OF OCCURRENCE 09-05-29	41 ROCHELLE DR.	CLASSIFICATION AFTER INVESTIGATION CLOSED.	CASE NO. 1318-3
DATE 8-23-09	TIME 2120HRS.				

MIRANDA WARNING — YOUR RIGHTS

Name: TAFARI P. JARNETT D.O.B.: _____

Address: _____

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.

Do you understand each of these rights I have explained to you?

YES Signature Tafari Jarrett
 NO Signature _____

Having these rights in mind do you wish to talk to us now?

YES Signature Tafari Jarrett
 NO Signature _____

IF A JUVENILE, PARENT/GUARDIAN MUST WITNESS AND SIGN

Parent/Guardian Signature: _____

P.O./DET. WILL WITNESS THE ABOVE SIGNATURES BY SIGNING

Signature: Det. Brian #134 P.O. (DET) 134

Signature: Det. Brian #134 P.O. (DET) 134

0300019

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOUTHERN DISTRICT OF NEW YORK
DOCUMENT
ELECTRONICALLY FILED
DOC #: 4
DATE FILED: 5/27/2010

TAFARI BARNETTPlaintiff

10 Civ. 3899 () ()

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

MOUNT VERNON POLICE DEPT.,DET. BAIA,DET. BONCARDO,defendants.AMENDED
COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: Yes No

(check one)

PRO SE OFFICE

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary

Plaintiff Name TAFARI BARNETT
 ID # 47141
 Current Institution WESTCHESTER COUNTY JAIL
 Address P.O. BOX: 10, VALHALLA, NY 10595

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Mount Vernon Police Dept., Shield # _____
 Where Currently Employed _____
 Address 2 Roosevelt Square, 2nd fl.,
Mount Vernon, NY 10550

Defendant No. 2 Name Det. Enzo Baia, Shield # 134
 Where Currently Employed Mt. Vernon Police Dept.
 Address 2 Roosevelt Square, Mt. Vernon, NY 10550

Defendant No. 3 Name Det. Boncardo, Shield # 133
 Where Currently Employed Mt. Vernon Police Dept.
 Address 2 Roosevelt Square, Mt. VERNON, NY 10550

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? MT. VERNON POLICE DEPT. 2 Roosevelt Square ,MT. Vernon, NY 10550

B. Where in the institution did the events giving rise to your claim(s) occur? IN THE DET. DEVISION, INVESTIGATION ROOM

C. What date and approximate time did the events giving rise to your claim(s) occur? ON AUGUST 27, 2009, BETWEEN 9:50 pm AND 10:50 pm

FACTS:

On August 27 ,2009, between the hours of 9:45 pm and 10:50 pm, Mount Vernon Det, Baia (Sh # 134) and Det. Boncardo (Sh # 133), interviewed an assault victim (Dwight Douse) regarding an incident, (Incident No. 09-36534, Case # 1318).

During the interview with the victim Dwight Douse, the two above mentioned Detectives showed Mr.Douse a six pack array containing plaintiffs photo.The photo array that was used by Detectives in that interview, was a photo array that had the plaintiffs photo already circled as No.3 , and it was also signed an Dated by (MALCOM JEFFERSON) the victim in the plaintiff felony case from 2007, That the plaintiff is currently on parole for.(PLEASE SEE PHOTO ARRAY ATTACHED, EXHIBIT No. 1).

The victim Mr. Douse was coerced into his identification of the plaintiff (Mr. BARNETT) on the photo array shown to him by above mentioned Detectives.The victim clearly stated to Det. Baia and Det. Boncardo, that it was suspect No. 1 on that photo array that assaulted and robbed him. But Detectives proceeded to tell the victim that No.1 on said photo array is known to the Mt. Vernon Police Dept. as " TAFARI BARNETT ", but plaintiff phot was No. 3 on photo array not No.1. (PLEASE SEE VICTIM STATEMENT MADE ON 8/27/09, ATTACHED,EXHIBIT No.2).

Even though there was no warrant issued for plaintiffs arrest, Mr. Barnett was still arrested and charged with robbery in the 2nd Degree on 8/28/09.(PLEASE SEE FELONY COMPLAINT, EXHIBIT No.3). At second felony hearing on 9/23/09, the charges was reduce from a felony to a Misdemeanor.(PLEASE SEE SUPERSEDING MISDEMEANOR INFORMATION, EXHIBIT No.4).

Four mounths after the plaintiff was arrested, their was a Wade hearing in the Mount Vernon Criminal Court on 1/4/10, At that Wade hearing the District Attorney, interduce a second six pack photo array into evidence,with plaintiffs photo as No.1, the date on that photo array is 8/23/09, the date of said incident, but in statement made by victim on 8/27/09, he stated that the person that assaulted him was No.1, The victims statement was made on the same date he was shown that photo array, which was 8/27/09, not 8/23/09.

(PLEASE SEE SECOND PHOTO ARRAY, EXHIBIT No.5, AND ALSO LOOK BACK TO EXHIBIT No.2).

The victim also made a statement to plaintiffs parole officer. parole officer Gibbs, on the date of plaintiffs first felony hearing on 9/8/09, stating that the person that assaulted him" Was tall, chubby, dark skin and head was shave bald with his face lined with facial hair".(PLEASE SEE STATEMENT TO PAROLE OFFICER, EXHIBIT No.6).

I have been in jail on this case since 8/26/09, and the case is still pending in the Mt. Vernon criminal Court.

informed, when and how, and their response, if any

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

There was no Administrative Remedies to Exhaust.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). The Plaintiff Mr. Barnett is seeking an order of protection against Det.s Baia and Boncardo in fear of retaliation, and monetary damages in the amount of \$ 250.000.00 dollars for false imprisonment, falsified evidence, stress, pain and suffering, and the violation of plaintiffs State and Federal Constitutional Rights..

VI. Previous lawsuits:

A Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No

B If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of May, 2010

Signature of Plaintiff

Tafari Barnett

Inmate Number

47141

Institution Address

P.O. BOX: 10

Valhalla Ny, 10595

Westchester County Jail

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 21 day of May, 2010, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff

Tafari Barnett

ELIZABETH STUART
Notary Public, State of New York
No. 018T0050907
Qualified in Westchester County
Commission Expires November 13, 2010
Subscribed and affirmed before me this 21 day
of May, 2010 in the county of
Westchester, State of New York

5-21-10

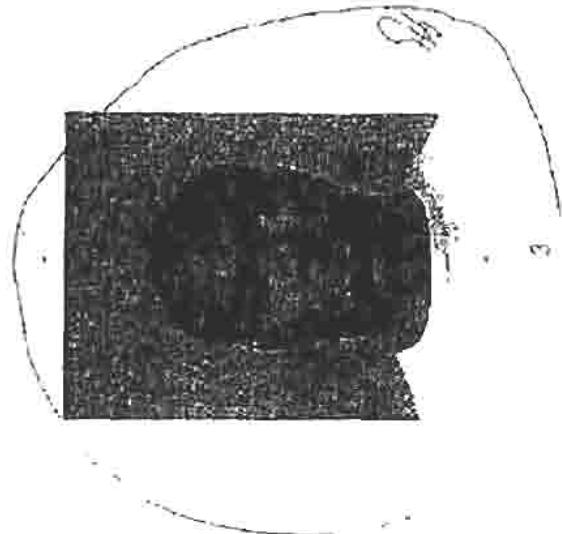
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Case # 10-03899-GBD-RLE

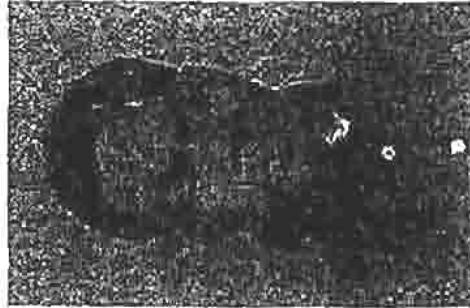
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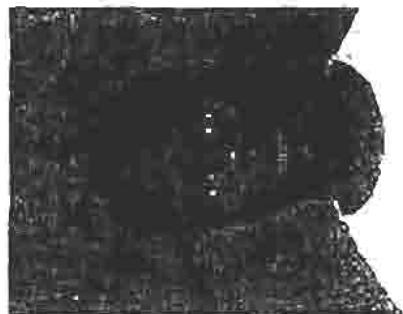
NWS Police Department Photo Line-up



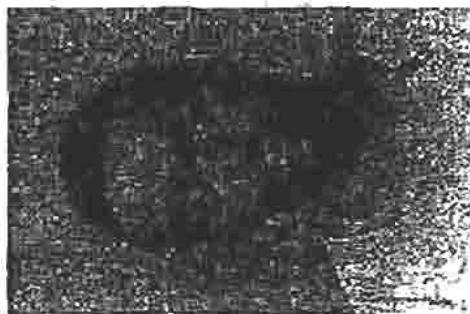
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6



2



5



1



4

EXHIBIT NO. 1



I have identified picture # 1 as the suspect on 4/12/11 (Date)

Signature:

EXHIBIT No. 2

Q. Dwight this person is known to the Mount Vernon Police Dept. as Tafari Barnett do you know who this party is?

A. I don't know him , but I heard that it's her babies father.

Q. In Nordia's original Police Report she lists Tafari Barnett as the suspect, do you recall her telling Officer Monge this?

A. Tell you the truth, after I took those hits I wasn't really paying attention to Nordia.

Q. Dwight did you receive any medical treatment for your injuries?

A. Yes, I got about 15 stitches in total around my right eye, my left eye was a little cut , but It was swollen. The Dr. gave me a prescription for antibiotics, three prescriptions for my eyes (eyedrops).

Q. Dwight you received stitches was there any blood in your car?

A. Yes, but I had the car cleaned because of all the blood, that's when I noticed the rearview mirror was broken.

Q. Dwight I have to ask you, did you tell this to the officer that took the original report?

A. I don't really remember I was in a lot of pain that night. His Statement was made at 4:30 pm 11 Hours after

Q. Dwight what kind of car were you in when this happened?

A. It was a 2008 Green Hyundai Sonata.

Q. Dwight do you have anything further to add to this statement?

A. No,I just want to go home because my head hurts.

Dwight Douse:

08-27-09.

Det.Baria#134:

Dct.Baria #134.

08-27-09.

Det. Boncardo#133:

Dct.Boncardo #133.

08-27-09.

EXHIBIT No. 2

POLICE DEPARTMENT) TIME STARTED: 2150Hrs.
CITY OF MT. VERNON) TIME FINISHED: 2250Hrs.
COUNTY OF WESTCHESTER) SS. DATE: 08-27-09
STATE OF NEW YORK) INCIDENT: 09-36S34
CASE #: 1318-

NOTICE: The making of false statements in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

I, the undersigned Dwight Douse do reside at [REDACTED] and I am [REDACTED] years of age being born on [REDACTED]. I am presently employed at Self-employed the name of my business is [REDACTED]. I have a home phone number of [REDACTED] and my work phone is: [REDACTED]. I do hereby make the statement to Detectives Balu #134, and Detective Boncardo #133 knowing them to be members of the Mount Vernon Police Department.

Q. Dwight the Mount Vernon Police Dept. is currently investigating an Robbery incident that occurred in the early morning hours of 08-23-09 @ 0529Hrs in front of 41 Rochelle Terrace Mount Vernon N.Y. That of which you were a victim of in your own words can you describe to me exactly what happened?

A. Me and my brother, Omar Douse went to Dazzles bar in Mount Vernon, that's when we met up with Nordia Wright, and her sister Dahlia. At the end of the night they asked for a ride home so I took my brother to the Bronx. Then I went to 41 Rochelle Terrace to drop off Nordia, and her sister Dahlia. Dahlia went inside the house, while Nordia, and I we sitting in my car in front of Nordia's house. That's when this guy opened my door I looked at him, and he just started punching me in the face hard, in both of my eyes. I didn't know what was going on. Then he pulled me out of the car and took my "Gucci" belt, he went into my pockets and took my money from my left front pocket about \$60-\$70, and he took my "Gucci" slippers from my feet, he took my wedding band from my hand. I had a silver "Guess" watch with a black band, and another ring I had in my car. I was trying to push him off but he kept hitting me. I think he used my windshield rear view mirror, because the next day I noticed the mirror was off and on the front seat.

Q. Dwight can you describe the rings he took?

A. My, wedding band was white gold, and it had diamonds in it. The other ring in the car was a silver ring with blue and yellow CZ in the shape of a rectangle it was not real diamonds.

Q. Dwight what did he do after he finished taking your things?

A. I don't know what, or where he went.

Q. Just before taking this statement Dwight I showed you a photo array did you recognize anyone?

A. Yes number 1, that's the guy that keep punching me. (J) Z - 2-

STATE OF NEW YORK COUNTY OF WESTCHESTER
THE PEOPLE OF THE STATE OF NEW YORK

Against
TAFARI BARNETT 04-09-79
8 E 4TH ST APT A14
MOUNT VERNON, N.Y. 10550

EXHIBIT NO. 3

Defendant(s)

X

Be it known that the complainant herein DET Bain#124 of the Mount Vernon Police Department accuses the defendant(s) named above of the following offence committed at 41 Rochelle Terrace in the City of Mt. Vernon County of Westchester, N.Y. on the 23rd day of August, 200⁰ at about 9:20 Hrs.

Count One: Robbery 2nd / PL 160.10 (2) a

Facts: A person is guilty of robbery in the second degree when he forcibly steals property and when
2. In the course of the commission of the crime or of immediate flight therefrom, he or
another participant in the crime:

(a) Causes physical injury to any person who is not a participant in the crime.

TO WIT: The defendant did repeatedly punch Dwight Douse in the face, drag Dwight from his vehicle continue to punch him, and forcibly take his property from his person. The victim sustained multiple cuts, and swelling to his eyes, requiring approximately 15 stitches on the above date and time.

PLEA TAKE NOTICE, that in accord with Section 710.30 of the Criminal Procedure Law, the District Attorney may give notice to offer in evidence during the trial of this matter, all admissions and confessions made by the defendant as well as all identification evidence.

above allegations of fact made by the complainant herein on information and belief with the facts of the complainant information and the grounds for his belief being direct knowledge.

ICE: PURSUANT TO THE PENAL LAW, SECTION 210.45 IT IS A CRIME PUNISHABLE AS A CLASS A MENSAGNOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

Leontine M. Hayes
Signed

EXHIBIT No.4

CITY COURT
CITY OF MOUNT VERNON
COUNTY OF WESTCHESTER

Incident No: 09-36534

TOP/Non-Fam. Dwight Douse

SUPERSEDING MISDEMEANOR INFORMATION

THE PEOPLE OF THE STATE OF NEW YORK
-against-

TAFARI BARNETT 8 East 4th Street, apt. A14, Mount Vernon, New York 10550

4/9/79

Defendant(s)

Be it known that the complainant herein Detective Baia, of the City of Mount Vernon Police Department, Westchester County, New York, accuses the defendant(s) named above of the following offense(s) committed at 41 Rochelle Terrace, City of Mount Vernon, New York at about 8/23/09 at approximately 5:29 a.m.

COUNT ONE : The Offense of PETIT LARCENY, a violation of Penal Law PL 155.25 AMC

COUNT TWO : The Offense of ASSAULT IN THE THIRD DEGREE, a violation of Penal Law PL 120.00 01 AM3

COUNT THREE . The Offense of HARASSMENT IN THE SECOND DEGREE, a violation of Penal Law PL 240.26 01 0V2

The Defendant(s) he/she steals property. The Defendant(s) with intent to cause physical injury to another person, he/she causes such injury to such person or to a third person. Assault in the third degree is a class A misdemeanor. The Defendant(s) with intent to harass, annoy and alarm another person, he/she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same.

To wit: The defendant(s) at the above date, time~~at~~ 1:45 a.m., with the intent to cause physical injury to Dwight Douse, did drag Dwight Douse out of the front passenger seat of a motor vehicle and proceeded to punch Mr. Douse repeatedly about the head and face causing Mr. Douse to blackout. At that time the defendant stole property on the person of Mr. Douse, to wit, approximately \$70.00 USC, a Gucci belt, Gucci shoes, 2 rings and a Guess watch. As a result of the defendant's actions, Mr. Douse required immediate medical attention and (12) stitches to the right side of his face as well as substantial pain, bruising and swelling.

The above allegation(s) of fact are made by the complainant herein based upon the attached supporting depositions of Dwight Douse and Nordia Wright.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

D. Blair #134

September 23, 2009

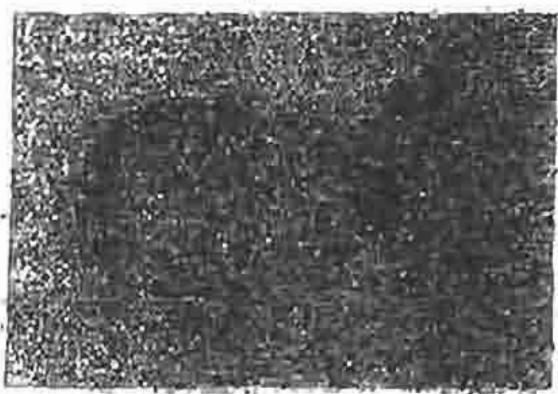
Signed

Reference Photo Lineup

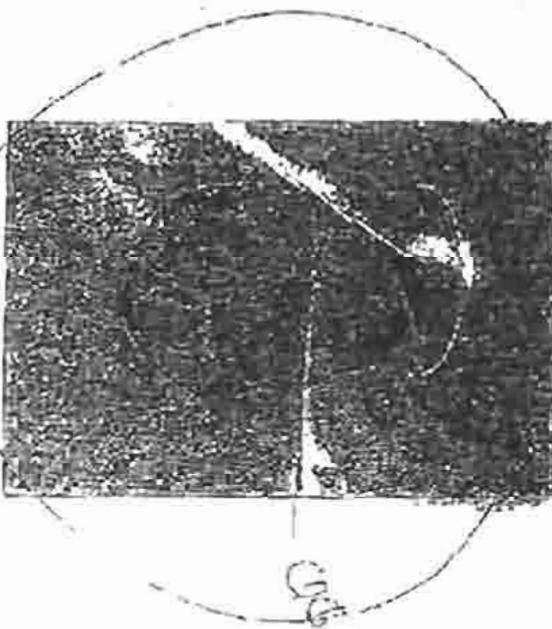
Case # 1318-23



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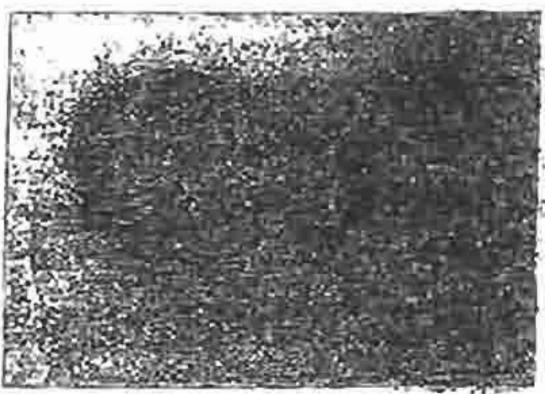
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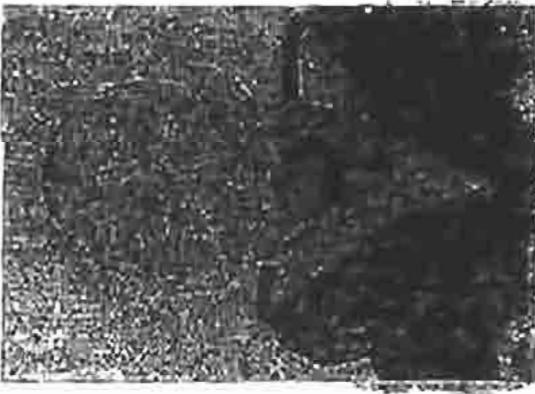
NY0590300000057920A



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NY0590300000049170A

I have identified picture # 1 as the suspect on 3-23-09 (Date)

Signature: [Signature]

EXHIBIT No. 6

STATE OF NEW YORK - EXECUTIVE DEPARTMENT - DIVISION OF PAROLE
VIOLATION OF RELEASE REPORT

NAME: Burnett, Tafari

NYSID NO.: 0846641EN DIN NO.: 07 A 5594

Case Summary

Tafari Burnett (an 18 year old male) is serving a 1-0-0 year sentence based on his conviction for Assault 2nd. He was sentenced in Westchester Supreme Court by Judge Neary on 10/3/07. Subject will reach his Post-Release Max Expiration date on 7/24/12.

Offender is S. on a P. event - release
 (See Attached)

Current Adjustment: Subject was paroled on 7/24/09 and during this brief period he seemed to have been making a fair adjustment. Aside from his 8/28/09 arrest, the only noteworthy concern thus far was his curfew violation on 8/18/09.

Reporting Status: Subject was a weekly report status and reported as directed. Subject appeared cooperative and mannerable when reporting.

Residence: Subject resided at 3 East 4th Street apt. # 14 Mt. Vernon with his mother. He was seen in the notes on 6/21/09 and no problems were reported during this visit.

Special Conditions:

Subject has yet to gain employment but has applied for DSS. Subject has a curfew imposed at 9 pm to 7 am. As mentioned, he violated his curfew on 8/18/09 whereby a stop was made at 9:30 pm. Subject claimed a relative took him shopping and they got stuck in traffic.

Subject legal residence address is 3 East 4th Street apt. # 14, Suite 14, Block Place Mt. Vernon NY and his progress report indicates he attends all sessions.

Violative Behavior

On 8/21/09, an arrest notice was received in the New Rochelle Area Office informing that on 8/28/09 subject was arrested for a crime having occurred on 8/21/09 at about 5:29 am. It is alleged that subject dragged one Dwight Douse out of the front passenger seat of a vehicle and proceeded to punch him repeatedly about the head and face, causing Mr. Douse to blackout. Subject reportedly stole property from the victim's person.

Victim Statement (See Attached)

I went out clubbing my brother the night of the incident, we left the club together and I drop him off home and then went back to the club to pick up Nadia and her sister Dahlia to drop them home. Nadia and I were sitting in my car chilling and talking, while I was relaxed with my head back. I saw a guy pass with two guys, then I saw a guy approach my car, open the door and grab me out me I look at him to see what was going down, then he punch me in my eye and I punch back, me too, but he continued to keep on punching me in my face until I was bloody and knock out cold.

He then took my visor belt, credit stripper, cell phones, car keys along with my car money I had on me and left me to die. He was tall, skinny, dark skin and his head was shave bald with his face line with hand 1872.

Parolee's Statement

According to the subject he did not make his identity and orally denied the charges. He stated that Nadia one of the girls with Denise is his son's mother who falsely

F.D.TAFAR, Bennett
P.O. Box 110
Valhalla, NY
10595



To: Pro Se Clerk
United States District Court
Southern District of NY
U.S. Courthouse - 500 Pearl St
NY, NY 10007



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